

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John R. Eckel, Jr.
Serial No. : 09/405,807
Filed : September 24, 1999
Title : SYSTEM AND METHOD FOR PAIRING PROVIDERS WITH CONSUMERS
OF ONLINE GOODS AND SERVICES

Art Unit : 3625
Examiner : Yogesh C. Garg

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
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BRIEF ON APPEAL

Appellant files this brief on appeal under 37 CFR 41.37, thereby perfecting the notice of appeal which was originally filed on March 29, 2005, after the final Office Action mailed December 29, 2004.

(1) Real Party in Interest

IN-Development, L.L.C., the assignee of the present Application, is the real party in interest.

(2) Related Appeals and Interferences

There are no related appeals or interferences.

(3) Status of Claims

Claims 1-84 are pending in the application, of which claims 1, 18, 25, 37, 45, 53, and 61 are independent. All pending claims stand rejected, and all claims are being appealed.

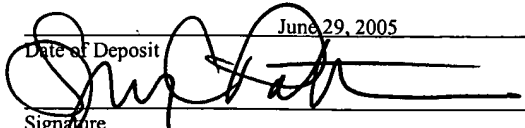
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(4) Status of Amendments

No amendments have been filed subsequent to the final rejection.

(5) Summary of Claimed Subject Matter

Independent claim 1 is directed to a method that involves maintaining a database 106 of personal information relating to a consumer 102. *See, e.g.*, p. 14, lines 2-4; p. 22, lines 12-14. The database 106 is associated with a plurality of domain names, *see, e.g.*, p. 12, lines 5-8; p. 24, lines 6-9, and the personal information includes a list of preferred providers identified by the consumer 102 or by prior purchases by the consumer. *See, e.g.*, p. 22, lines 10-14; p. 23, lines 1-4; p. 26, lines 3-4 and 10-12; p. 27, lines 1-4; p. 28, lines 5-7. A request initiated by the consumer 102 and transmitted over a global communication network 100 to a system 150 associated with the plurality of domain names is received 204. *See, e.g.*, p. 23, lines 5-11. The request includes one of the plurality of domain names and the domain name included in the request includes an identification of a subject of the request. *See, e.g.*, p. 23, lines 7-16.

Responsive to the received request initiated by the consumer and based upon the request and the preferred providers in the database, at least one name of at least one provider 104a, 104b, and 104c is identified 206. *See, e.g.*, p. 24, line 12, to p. 25, line 2; p. 26, lines 1-12. The identified names of providers 104a, 104b, and 104c are forwarded 210 from the system 150 to the consumer 102. *See, e.g.*, p. 12, lines 17-18; p. 28, line 8, to p. 29, line 9. The consumer is subsequently capable of choosing a provider from the identified providers 104a, 104b, and 104c to communicate therewith. *See, e.g.*, p. 13, lines 1-2; p. 29, lines 10-17. A transaction between the consumer 102 and a provider selected from the identified providers 104a, 104b, and 104c is completed. *See, e.g.*, p. 13, lines 5-6; p. 29, lines 10-17. The personal information is updated based on the completed transaction. *See, e.g.*, p. 23, lines 1-4. The updated personal information is accessible by the system 150 for use in connection with a subsequent request initiated by the consumer 102 that includes a different one of the domain names. *See, e.g.*, p. 23, lines 1-4; p. 26, line 1, to p. 27, line 5. The domain name included in the subsequent request includes an identification of the subject of the subsequent request. *See, e.g.*, p. 26, line 10, to p. 27, line 5.

Independent claim 18 is directed to a system 150 that includes a database 106 for storing information associated with a consumer 102. *See, e.g.*, p. 22, lines 8-14. The database 106 is

associated with a plurality of domain names, *see, e.g.*, p. 12, lines 5-8; p. 24, lines 6-9, and the information includes a list of preferred providers identified by the consumer or by prior purchases made thereby. *See, e.g.*, p. 22, lines 10-14; p. 23, lines 1-4; p. 26, lines 3-4 and 10-12; p. 27, lines 1-4; p. 28, lines 5-7. The system 150 also includes a server 108 for receiving a request initiated by the consumer 102 and transmitted over a global communication network 100. *See, e.g.*, p. 23, line 5, to p. 24, line 9. The server is associated with the plurality of domain names. *See id.* The request includes one of the plurality of domain names, and the domain name included in the request includes an identification of a subject of the request. *See, e.g.*, p. 23, lines 7-16.

The server 108 includes a module 109 for selecting, responsive to the received request and based upon the request and the preferred providers stored in the database 106, at least one name of at least one provider 104a, 104b, and 104c. *See, e.g.*, p. 24, line 12, to p. 25, line 2; p. 26, lines 1-12. The server 108 further includes a controller for forwarding the selected names of the providers 104a, 104b, and 104c to the consumer 102. *See, e.g.*, p. 12, lines 17-18; p. 28, line 8, to p. 29, line 9; p. 41, claim 18, lines 9-12. The consumer 102 is then capable of choosing a provider from the selected providers 104a, 104b, and 104c to communicate and complete a business transaction therewith. *See, e.g.*, p. 13, lines 1-2; p. 29, lines 10-17.

The server 108 is further operable to update the information associated with the consumer based on the completed transaction, *see, e.g.*, p. 23, lines 1-4, and access the updated information for use in connection with a subsequent request initiated by said consumer. *See, e.g.*, p. 23, lines 1-4; p. 26, line 1, to p. 27, line 5. The subsequent request includes a different one of the plurality of domain names and the domain name included in the subsequent request identifies a subject of the subsequent request. *See, e.g.*, p. 26, line 10, to p. 27, line 5.

Independent claim 25 is directed to a method for providing a consumer 102 with a customized presentation containing the names of various providers 104a, 104b, and 104c of goods and services that are selected. *See, e.g.*, p. 28, lines 8-13. Consumer-provided information associated with the consumer 102 is stored within an intermediary system 150. *See, e.g.*, p. 22, lines 8-9; p. 29, lines 10-12; p. 31, lines 4-8. A request initiated by said consumer 102 and transmitted over a global communication network 100 to the intermediary system 150 is received. *See, e.g.*, p. 23, lines 5-11. The request is a domain name associated with the

intermediary system 150, and the domain name identifies a subject of the request. *See, e.g.*, p. 23, lines 7-16.

Responsive to the received request and based upon the information associated with the consumer 102 and stored in the intermediary system 150, at least one name of at least one provider 104a, 104b, and 104c is selected 206. *See, e.g.*, p. 24, line 12, to p. 25, line 2; p. 26, lines 1-12. The selected names of the providers 104a, 104b, and 104c are forwarded 210 within a customized presentation to the consumer 102. *See, e.g.*, p. 12, lines 17-18; p. 28, line 8, to p. 29, line 9. The consumer is then capable of choosing a provider from the selected providers 104a, 104b, and 104c to communicate and, optionally, transact business therewith. *See, e.g.*, p. 13, lines 1-2; p. 29, lines 10-17. The intermediary system 150 operates as an intermediary between said consumer 102 and the chosen provider. *See, e.g.*, p. p. 29, lines 10-12. The information associated with the consumer 102 is updated based upon a provider chosen thereby with which to transact business. *See, e.g.*, p. 23, lines 1-4. The information is updated for future use in selecting, responsive to a subsequent received request and based upon the updated information, at least one name of at least one provider. *See, e.g.*, p. 23, lines 1-4; p. 26, line 1, to p. 27, line 5.

Independent claim 37 is directed to a method that includes maintaining a database 106 of personal information relating to a consumer 102. *See, e.g.*, p. 14, lines 2-4; p. 22, lines 12-14. The personal information includes a list of at least one preferred provider of goods or services. *See, e.g.*, p. 22, lines 10-14; p. 23, lines 1-4; p. 26, lines 3-4 and 10-12; p. 27, lines 1-4; p. 28, lines 5-7. A search request initiated by the consumer 102 over a global communications network 100 is received. *See, e.g.*, p. 23, lines 5-11. The request includes a domain name identifying a type of goods or services. *See, e.g.*, p. 23, lines 7-16. In response to the received search request, one or more providers 104a, 104b, and 104c of the type of goods or services requested are identified 206 based upon the at least one preferred provider. *See, e.g.*, p. 24, line 12, to p. 25, line 2; p. 26, lines 1-12. The one or more providers 104a, 104b, and 104c are provided to the consumer 102. *See, e.g.*, p. 12, lines 17-18; p. 28, line 8, to p. 29, line 9. The consumer 102 is enabled to complete a transaction with a provider chosen by the consumer 102 from the one or more providers 104a, 104b, and 104c. *See, e.g.*, p. 13, lines 1-6; p. 29, lines 10-17. The list of at least one preferred provider is updated based upon the one or more providers chosen by the

consumer to complete the transaction. *See, e.g.*, p. 23, lines 1-4. The list of at least one preferred provider is updated to identify the chosen provider as a preferred provider for future use in selecting, responsive to a subsequent received request. *See, e.g.*, p. 23, lines 1-4; p. 26, line 1, to p. 27, line 5.

Independent claim 45 is directed to an apparatus 150 for facilitating a transaction between a consumer 102 and a provider of goods or services over communications network 100. *See, e.g.*, p. 21, lines 13-15. The apparatus is adapted to maintain a database 106 of personal information relating to a consumer. *See, e.g.*, p. 14, lines 2-4; p. 22, lines 12-14. A search request initiated by the consumer 102 over a global communications network 100 is received. *See, e.g.*, p. 23, lines 5-11. The request identifies a type of goods or services and has a single set of characters forming a plurality of fields. *See, e.g.*, p. 23, lines 7-16. A first field has a common name as between different search requests and a second field identifies the type of goods or services to be searched without specifying a specific provider of goods or services. *See, e.g.*, p. 23, lines 7-16. Responsive only to the search request without additional search information being directly provided by the consumer 102, one or more providers 104a, 104b, and 104c of the type of goods or services requested are identified 206 based upon the personal information relating to the consumer 102 in the database 106. *See, e.g.*, p. 24, line 12, to p. 25, line 2; p. 26, lines 1-12. The one or more providers 104a, 104b, and 104c are presented to the consumer 102. *See, e.g.*, p. 12, lines 17-18; p. 28, line 8, to p. 29, line 9. The apparatus enables the consumer 102 to complete a transaction with a provider chosen by the consumer 102 using the personal information in the database 106 from the one or more providers. *See, e.g.*, p. 13, lines 1-6; p. 29, lines 10-17.

Independent claim 53 includes maintaining a database 106 of personal information relating to a consumer 102. *See, e.g.*, p. 14, lines 2-4; p. 22, lines 12-14. A request initiated by the consumer 102 and transmitted over a global communication network 100 to a system 150 is received. *See, e.g.*, p. 23, lines 5-11. The request has a single set of characters forming a plurality of fields. *See, e.g.*, p. 23, lines 7-16. A first field has a common name as between different requests, and a second field identifies a type of goods or services without identifying a specific provider thereof. *See, e.g.*, p. 23, lines 7-16. Responsive only to the received request initiated by the consumer 102 without additional search information being directly provided by

the consumer 102 and based upon the personal information relating thereto in the database 106, at least one name of at least one provider 104a, 104b, and 104c is selected. *See, e.g.*, p. 24, line 12, to p. 25, line 2; p. 26, lines 1-12. The selected names of the providers 104a, 104b, and 104c are forwarded from the system 150 to the consumer 102. The consumer 102 is subsequently capable of choosing a provider from the selected at least one provider to communicate therewith. *See, e.g.*, p. 23, lines 1-4; p. 26, line 1, to p. 27, line 5.

Independent claim 61 is directed to a system 150 including a database 106 for storing information associated with a consumer 102. *See, e.g.*, p. 14, lines 2-4; p. 22, lines 12-14. The system 150 includes a server 108 for receiving a request initiated by the consumer 102 and transmitted over a global communication network 100. *See, e.g.*, p. 23, lines 5-11. The request includes a single set of characters representative of typed text. *See, e.g.*, p. 23, lines 7-16. The typed text includes a first field having a common name as between different requests and a second field for identifying at least one type of goods or services without identifying a specific provider thereof. *See, e.g.*, p. 23, lines 7-16.

The server 108 further includes a module 109 for selecting, responsive to the received request without additional information directly provided by the consumer 102 and based upon personal information relating to the consumer 102 in the database 106, at least one name of at least one provider 104a, 104b, and 104c. *See, e.g.*, p. 24, line 12, to p. 25, line 2; p. 26, lines 1-12. The server 108 includes a controller for forwarding the selected names of the at least one provider 104a, 104b, and 104c to the consumer 102. *See, e.g.*, p. 12, lines 17-18; p. 28, line 8, to p. 29, line 9; p. 41, claim 18, lines 9-12. The consumer is thereafter enabled to choose a provider from the selected providers to communicate and selectively complete a transaction therewith. *See, e.g.*, p. 13, lines 1-2; p. 29, lines 10-17.

(6) Grounds of Rejection

I. Claims 1, 18, 53, and 61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Traderonline in view of Dean (U.S. Patent No. 6,055,512) and further in view of Wells et al. (U.S. Patent No. 6,446,048).

II. Claim 45 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Traderonline in view of Dean in view of Wells and further in view of Daly (U.S. Patent No. 5,878,141).

III. Claims 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Traderonline in view of Dean in view of Wells and further in view of Meade, II (U.S. Patent No. 6,405,214).

(7) Argument

I. The Traderonline, Dean, and Wells et al. References Fail to Teach or Suggest the Claimed Invention.

A. Claims 1 and 18 and their respective dependent claims are patentable over the cited references.

Among other things, Claim 1 recites:

updating the personal information based on the completed transaction, wherein the updated personal information is accessible by the system for use in connection with a subsequent request initiated by the consumer that includes a different one of the plurality of domain names, with the domain name included in the subsequent request including an identification of the subject of the subsequent request.

None of the cited references teach or suggest these limitations. To establish *prima facie* obviousness, all of the claim limitations must be taught or suggested by the cited art. MPEP § 2143.03. Thus, the Examiner has failed to establish *prima facie* obviousness. The Examiner admits that the limitations set forth above are not disclosed by Traderonline and Dean but asserts that such limitations are disclosed by Wells et al.:

Traderonline in view of Dean does not disclose updating the personal information based on the completed transaction, wherein the updated personal information includes payment information/personal preference and is accessible by the system for use in connection with a subsequent request initiated by the consumer/identifying a provider/completing a transaction. However, in the field of same endeavor, Wells discloses these missing limitations (see at least col.4, lines 53-57, "*establishing a user-specific profile on a web-site which is accessible via a global communication network and which has an associated database for storing financial transaction information received from a plurality of users. The database profile can then be periodically updated, for example, each time a user connects to the website.*", and col.15, lines 36-53," *The status of each transaction is dependent on the last transaction information*

received from client computer.sub.n 106. The status is either downloaded or not downloaded. Server 121 determines which transaction should be downloaded to computer.sub.n 106 based on the last transaction information received from computer.sub.n 106". As regards using personal preferences, see col.4, lines 1-26, wherein the user's unique profile or user specific profiles correspond to profiles including user's preferences).

Contrary to the Examiner's assertions, the cited portions of the Wells et al. reference, do not disclose or suggest the claimed subject matter. The reference merely discloses that a user's financial profile information can be stored in a web-site server and can be updated by the user when the user connects to the web-site. *See* col. 3, line 57, to col. 4, line 11; col. 4, lines 46-57. Thus, a user can store financial profile information using a web-site and can subsequently manually update the information by accessing the web-site. Financial transaction information can be uploaded to the web-site server for temporary storage. *See, e.g.*, col. 11, line 63, to col. 12, line 6. The uploaded financial transaction information can subsequently be downloaded to a client computer. *See, e.g.*, col. 14, lines 55-63. The client computer stores status information as to whether or not the transaction information has been downloaded. *See* col. 15, lines 11-53. Wells et al. does not disclose or suggest updating personal information based on a completed transaction.

Wells et al. also does not disclose or suggest having updated personal information be accessible by a system for use in connection with a subsequent request initiated by a consumer, where the subsequent request includes a different one of a plurality of domain names, particularly not where the domain name included in the subsequent request includes an identification of the subject of the subsequent request. The present invention includes receiving a consumer request that includes one of a plurality of domain names associated with a system, identifying at least one provider in response to the request, completing a transaction between the consumer and a selected provider, and updating personal information based on the completed transaction. The updated personal information is accessible by the system for use with a subsequent request that includes a different one of the plurality of domain names. Wells et al. includes absolutely no disclosure or suggestion of a system associated with a plurality of domain names. Moreover, the reference fails to disclose or suggest the use of updated personal

information in connection with a request that includes a domain name. The Examiner's attempts to read these limitations into the Wells et al. reference is entirely unsupported.

There is also no suggestion or motivation to combine the references to produce the claimed invention. To demonstrate a suggestion or motivation to combine, there must be a clear and particular teaching in the prior art. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Broad conclusory statements regarding the teachings of multiple prior art references are not sufficient to make such a showing. *Id.* Without such a suggestion, it is improper "to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." *In re Fine*, 837 F.2d 1071, 1075 (Fed. Cir. 1988). Doing so impermissibly entails use of hindsight unavailable to one of ordinary skill in the art. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1568 (Fed. Cir. 1987).

The Examiner admits that Traderonline fails to disclose certain claim limitations but argues that these limitations can be found in the Dean reference:

Traderonline does not teach maintaining personal information relating to a consumer in the database, the personal information having been previously provided by the consumer and including preferred providers identified by the consumer or by the prior purchases thereby selecting, responsive to the received request, initiated by the consumer and based upon the request and the preferred providers in the database, at least one name of at least one provider and forwarding the selected at least one name of the at least one provider from said system to said consumer, wherein said consumer is subsequently capable of choosing a provider from the selected at least one provider to communicate therewith. However, in the same field of endeavor of storing personal preferences of consumers, Dean discloses maintaining personal information relating to a consumer in the database,, the personal information having been previously provided by the consumer and including preferred providers identified by the consumer or by the prior purchases thereby selecting, responsive to the received request, initiated by the consumer and based upon the request and the preferred providers in the database, at least one name of at least one provider and forwarding the selected at least one name of the at least one provider from said system to said consumer, wherein said consumer is subsequently capable of choosing a provider from the selected at least one provider to communicate therewith (at least see, Fig.3, "Contacts Supplier 1 ... Supplier 5", Fig.4 and col.6, lines 1-67., " Referring to FIG.4 ...stored data in a database 400 ...stores the user data in database 400 ...user data specifies personal preferences or other information as described above ... The processor operates a set of search ...searches the user dataindicating personal preferences of informationcorrespond to the identified data types such as ...data describing services

available fromservice providers..". Note: Suppliers 1,2...5, listed in Fig.3 correspond to the preferred providers identified by the consumer. See, col.5, lines 2-17, "...The gateway devices connect to appropriate ...public switched telephone network 105, or a cable TV network 106, ...or an on-line service Compuserve ®..wide area network 107Internet 108 ...". Also see col.6, line 41-col.7, line 43," ...The user data specifies personal preferencesThe database also stores a set of service data comprising a list of electronic addresses ...for retrievalleisure interests, travel arrangements, local restaurantsprocessor operates a set of search and display algorithms ...searches user datapersonal references ...retrieves data items ...displays ..on a user interface").

The Examiner improperly relies upon hindsight reconstruction in rejecting the claims. In particular, the Examiner uses the pending application as a blueprint to pick and choose isolated disclosures in the Traderonline and Dean references in an attempt to produce the claimed invention. The Traderonline reference is directed essentially to online classified advertisements for the sale of boats, automobiles, RVs, aircraft, and the like. The Traderonline reference describes a website in which visitors can place watercraft for sale on the site and/or search for boats using user selected parameters. The Dean reference is directed to a system for providing electronic information services to users in public access locations, such as a hotel, hospital, or airport. *See abstract.* Such information services are described as enabling improved convenience to travelers. *See col. 1, lines 10-17.* The Dean reference describes a complex system for retrieving information using a smart card, which stores information predetermined by the user. *See col. 5, lines 45-51.*

The references lack any teaching or suggestion that would motivate one skilled in the art to combine the references in the manner asserted by the Examiner. Among other things, in the system described by Traderonline, there is no reason to store personal information including a list of preferred providers because the website is clearly directed to facilitating isolated transactions between individual consumers. Such isolated transactions do not remotely imply any need to use a list of preferred providers. In fact, the reference teaches away from such a feature because it teaches allowing visitors to search for boats by selecting simple parameters on the website. Furthermore, an ability to purchase a boat, automobile, RV, aircraft, and the like would not enable improved convenience to travelers. Thus, there is no motivation or suggestion to combine the teachings of Traderonline and Dean.

In arguing that such a suggestion exists, the Examiner states:

In view of Dean, it would have been obvious to a person of an ordinary skill in the art to have modified Traderonline at the time of the applicant's invention to have incorporated the features of maintaining personal information relating to a consumer in the database, the personal information having been previously provided by the consumer and including preferred providers identified by the consumer or by the prior purchases thereby selecting, responsive to the received request, initiated by the consumer and based upon the request and the preferred providers in the database, at least one name of at least one provider and forwarding the selected at least one name of the at least one provider from said system to said consumer, wherein said consumer is subsequently capable of choosing a provider from the selected at least one provider to communicate therewith. Doing so would help the Traderonline method and system to provide customized/personalized electronic services to users when making transactions online, as explicitly disclosed in Dean.

The reasoning proffered by the Examiner is merely a broad, conclusory statement that provides an unsupported pretext for using hindsight reconstruction in an attempt to produce the claimed subject matter. Among other things, Traderonline does not teach or suggest to one skilled in the art that there is any need for "customized/personalized electronic services ...when making transactions online." Furthermore, even assuming there was some such suggestion, there are a myriad of other customization or personalization features that are potentially available, and there is no suggestion or motivation for one skilled in the art to attempt to combine isolated teachings from the Dean reference into the system described by Traderonline. Even if the references were combined, the combination would result in the websites described by Traderonline being stored on the smart card disclosed in the Dean reference. Such a result is completely unrelated to the claimed invention.

The Examiner further asserts that there is a suggestion to modify a combination of Traderonline in view of Dean using the system described in Wells et al.:

In view of Wells, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Traderonline in view of Dean's to incorporate Well's teachings of updating the personal information based on the completed transaction, wherein the updated personal information includes payment information/personal preference and is accessible by the system for use in connection with a subsequent request initiated by the consumer/identifying a provider/completing a transaction because the system would be able to use the updated financial information of the user in the subsequent transactions.

The Wells et al. reference is directed to storing financial information received from mobile users and subsequently providing that information back to the respective users for integration into the users' personal finance software. *See* col. 1, lines 8-15. The subject matter of the Wells et al. reference is entirely unrelated to the subject matter of Traderonline and Dean. The only common thread between the three references is that they each use the Internet. The objects of the references are otherwise entirely unrelated. There is simply no basis for concluding that isolated elements of a system for temporarily storing financial information from a mobile device for subsequent integration into personal finance software, as disclosed in Wells et al., can be combined with a website for listing and searching for boats or isolated elements of a system for enabling improved convenience to travelers. Thus, the Examiner has engaged in impermissible hindsight reconstruction to pick and choose among isolated features of the cited references. *See Fine*, 837 F.2d at 1075.

The references, even in combination, fail to teach all of the claim limitations. Furthermore, there is no suggestion or motivation to combine the references, and the references cannot be combined to produce the claim limitations. Accordingly, claim 1 and its dependent claims are allowable over the cited art. Claim 18 includes similar limitations and is allowable for the same reasons as claim 1. Accordingly, claim 18 and its dependent limitations are allowable over the cited art.

B. Claims 53 and 61 and their respective dependent claims are patentable over the cited references.

Claim 53 includes:

maintaining a database of personal information relating to a consumer;
receiving a request initiated by the consumer and transmitted over a global communication network to a system, said request having a single set of characters forming a plurality of fields, a first field having a common name as between different requests and a second field identifying a type of goods or services without identifying a specific provider thereof;
selecting, responsive only to the received request initiated by the consumer without additional search information being directly provided by the consumer and based upon the personal information relating thereto in the database, at least one name of at least one provider . . .

Accordingly, claim 53 involves selecting one or more providers in response to a search request without additional search information being directly provided by the consumer, wherein the search request has a single set of characters forming a plurality of fields (e.g., INEEDNEWS.NET, INEEDTOBUYACAR.COM, or INEEDA401K.COM). For example, a universal resource locator (URL), such as INEEDABOOK.COM, is a search request, and by submitting the URL, one or more providers are selected without additional information being directly provided by the consumer. A first field has a common name as between different search requests (e.g., INEED) and a second field identifies the type of goods or services to be searched without specifying a specific provider of goods or services (e.g., NEWS, TOBUYACAR, or A401K). None of the cited references disclose the limitations of claim 53.

The Traderonline reference discloses a family of websites that each, once a user loads a particular website, allow users to search for items using simple parameters selected by the user. Although accessing the Traderonline websites allows a user to perform a search, the reference does not disclose or suggest a search request that itself has a single set of characters forming a plurality of fields, a first field having a common name as between different search requests and a second field identifying the type of goods or services to be searched without specifying a specific provider of goods or services. Instead, a user accesses a website by submitting a URL (e.g., www.traderonline.com), and a web page is returned. Thereafter, a user performs a search by selecting simple parameters on a Traderonline website, not as a result of submitting a Traderonline web address. To obtain results, the user must directly provide additional search information. Thus, the Traderonline reference does not disclose or suggest identifying one or more providers in response to a search request without additional search information being directly provided by the consumer.

The Dean and Wells et al. references fail to overcome the deficiencies of the Traderonline reference. For example, both Dean and Wells et al. fail to disclose or suggest a search request that itself has a single set of characters forming a plurality of fields, a first field having a common name as between different search requests and a second field identifying the type of goods or services to be searched without specifying a specific provider of goods or services. Thus, the references even in combination fail to teach or suggest all of the claim limitations.

Furthermore, as discussed above in connection with claim 1, there is no suggestion to combine the references. Assuming that there was some motivation to combine the references, the combination would not produce the invention as recited in claim 53. In particular, even assuming the Traderonline reference discloses multiple domain names, as asserted by the Examiner, there is no teaching or suggestion that such domain names themselves would represent search requests. Furthermore, although Dean discloses a system that returns user specific data, there is simply no suggestion or motivation to return such user specific data in response to a request that includes a single set of characters forming a plurality of fields, a first field having a common name as between different domain names and a second field identifying the type of goods or services.

Accordingly, claim 53 and its dependent claims are allowable over the cited references. Claim 61 includes limitations similar to those discussed in connection with claim 53, and thus claim 61 and its dependent claims are also allowable over the cited references.

II. The Traderonline, Dean, Wells et al., and Daly et al. References Fail to Teach or Suggest the Claimed Invention.

Independent claim 45 includes similar limitations as claim 53. For example, claim 45 involves selecting one or more providers in response to a search request without additional search information being directly provided by the consumer, wherein the search request has a single set of characters forming a plurality of fields. A first field has a common name as between different search requests and a second field identifies the type of goods or services to be searched without specifying a specific provider of goods or services.

As with claim 53, none of the cited references disclose the limitations of claim 45. The Traderonline reference does not disclose or suggest identifying one or more providers in response to a search request without additional search information being directly provided by the consumer. The Dean, Wells et al., and Daly et al. references fail to overcome this deficiency of the Traderonline reference. For example, Dean, Wells et al., and Daly et al. fail to disclose or suggest a search request that itself has a single set of characters forming a plurality of fields, a first field having a common name as between different search requests and a second field identifying the type of goods or services to be searched without specifying a specific provider of

goods or services. Thus, the references even in combination fail to teach or suggest all of the claim limitations.

Furthermore, as discussed above in connection with claim 1, there is no suggestion to combine the references. Assuming that there was some motivation to combine the references, the combination would not produce the invention as recited in claim 45. In particular, even assuming the Traderonline reference discloses multiple domain names, as asserted by the Examiner, there is no teaching or suggestion that such domain names themselves would represent search requests. Furthermore, although Dean discloses a system that returns user specific data, there is simply no suggestion or motivation to return such user specific data in response to a request that includes a single set of characters forming a plurality of fields, a first field having a common name as between different domain names and a second field identifying the type of goods or services. Neither of the Wells et al. or Daly et al. references include any disclosure that is relevant to these limitations.

Accordingly, claim 45 and its dependent claims are allowable over the cited references.

III. The Traderonline, Dean, Wells et al., and Meade, II References Fail to Teach or Suggest the Claimed Invention.

A. Claim 25 and its dependent claims are patentable over the cited references.

Independent claim 25 recites:

storing, within an intermediary system, consumer-provided information associated with said consumer;

receiving a request initiated by said consumer and transmitted over a global communication network to said intermediary system, said request being a domain name associated with the intermediary system, with the domain name identifying a subject of the request;

selecting, responsive to the received request and based upon said information associated with said consumer and stored in said intermediary system, at least one name of at least one provider;

forwarding the selected at least one name of the at least one provider within a customized presentation to said consumer, wherein said consumer is then capable of choosing a provider from the selected at least one provider to communicate and, optionally, transact business therewith;

operating, within said intermediary system, as an intermediary between said consumer and said chosen provider; and

updating the information associated with the consumer based upon a provider chosen thereby with which to transact business, wherein the information

is updated for future use in selecting, responsive to a subsequent received request and based upon the updated information, at least one name of at least one provider.

As with claim 1, the Examiner improperly relies upon hindsight reconstruction in rejecting the claims. In particular, the Examiner uses the pending application as a blueprint to pick and choose isolated disclosures in the Traderonline and Dean references in an attempt to produce the claimed invention. Moreover, the Traderonline and Dean references lack any teaching or suggestion that would motivate one skilled in the art to combine the references in the manner asserted by the Examiner. There is also no basis for combining isolated elements of the Wells et al. reference with a combination of the Traderonline and Dean references.

In addition to the common deficiencies discussed in connection with claim 1, there is also no suggestion or motivation to further combine subject matter from the Meade reference to produce the claimed invention. The Meade reference is directed to the use of cookies to compile a database profile of internet use of an individual. This information is subsequently used to target advertising to the individual based on the database profile to, for example, target the user's interests. There is no suggestion to combine the subject matter of the Meade reference with the other cited references because none of the other references are even remotely related to targeted advertising. Again, the Examiner has engaged in impermissible hindsight reconstruction to pick and choose among isolated features of the cited references. *See Fine*, 837 F.2d at 1075.

There is no suggestion or motivation to combine the references, and the references cannot be combined to produce the claim limitations. Accordingly, claim 25 and its dependent claims are allowable over the cited art.

B. Claim 37 and its dependent claims are patentable over the cited references.

Claim 37 includes similar limitations as claim 25. Claim 37 further recites:

updating the list of at least one preferred provider based upon the one or more providers chosen by the consumer to complete the transaction, wherein the list of at least one preferred provider is updated to identify the chosen provider as a preferred provider for future use in selecting, responsive to a subsequent received request.

In addition to the reasons for patentability discussed in connection with claim 25, nothing in the Meade reference teaches or suggests that cookies can be used to update a list of preferred

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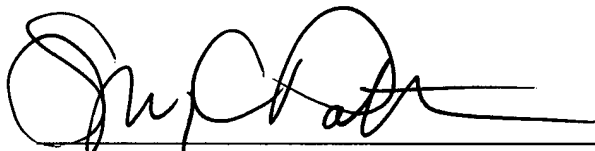
providers to identify a chosen provider as a preferred provider in response to a subsequent received request. Accordingly, claim 37 and its dependent claims are allowable over the cited art.

CONCLUSION

In view of the foregoing, the Examiner's rejection should be reversed. Should the Board be of the opinion that a claim on appeal may be amended to overcome a specific rejection, the Board is respectfully requested to include in the opinion such a statement and afford appellant the right to amend in conformity therewith.

The brief fee of \$250 is enclosed. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,



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Appendix of Claims

1. A method comprising:

maintaining a database of personal information relating to a consumer, the database associated with a plurality of domain names and the personal information including a list of preferred providers identified by the consumer or by prior purchases thereby;

receiving a request initiated by the consumer and transmitted over a global communication network to a system associated with the plurality of domain names, wherein the request includes one of the plurality of domain names and the domain name included in the request includes an identification of a subject of the request;

identifying, responsive to the received request initiated by the consumer and based upon the request and the preferred providers in the database, at least one name of at least one provider;

forwarding the identified at least one name of the at least one provider from said system to said consumer, wherein said consumer is subsequently capable of choosing a provider from the identified at least one provider to communicate therewith;

completing a transaction between the consumer and a provider selected from the identified at least one provider; and

updating the personal information based on the completed transaction, wherein the updated personal information is accessible by the system for use in connection with a subsequent request initiated by the consumer that includes a different one of the plurality of domain names, with the domain name included in the subsequent request including an identification of the subject of the subsequent request.

2. The method of Claim 1, wherein each of the plurality of domain names includes a common domain name element, said domain name identifying goods/services without identifying a specific provider thereof, said common domain name element is in the form INEEDSUBJECT.XXX, where "SUBJECT" is a consumer-selected subject matter object and "XXX" is a consumer-selected, top-level extension of the domain name.

3. (Original) The method of Claim 1, wherein the global communication network is the Internet.

4. The method of Claim 2, wherein identifying at least one name further includes using a name linking policy to select the at least one name of the at least one provider while utilizing one or a combination of subject matter information, demographic information and geographic information.

5. The method of Claim 1, wherein forwarding the identified at least one name of the at least one provider further includes providing comparative pricing and availability information about goods and services offered by said at least one provider.

6. The method of Claim 1, further comprising creating a customized presentation for use by said consumer, said customized presentation containing the identified at least one name of the at least one provider and detailed information about goods and services offered by the at least one provider.

7. The method of Claim 6, wherein the customized presentation is selected from the group consisting of: web page, Wireless Application Protocol, and other data communication formats.

8. The method of Claim 1, wherein said consumer-provided personal information relating to the consumer includes personal preferences, payment instructions, and privacy instructions.

9. The method of Claim 1, further comprising operating, within said system, as an intermediary between said consumer and said chosen provider, wherein the intermediary is associated with the at least one domain name.

10. The method of Claim 1, wherein said personal information relating to the consumer includes privacy instructions submitted by the consumer, and the method further comprises enabling the consumer to purchase the goods or services offered by said at least one provider

chosen by the consumer, the purchase being in accordance with the privacy instructions submitted by said consumer.

11. The method of Claim 10, wherein said privacy instructions include instructions to make information, alternatively, freely available, available only when authorized by said consumer, or never available to the chosen provider or third parties.

12. The method of claim 9, wherein operating as an intermediary further includes enabling said consumer to purchase the goods or services of the chosen provider in accordance with payment instructions submitted by said consumer and stored within said database.

13. The method of Claim 8, wherein said payment instructions include instructions to complete transactions for said consumer in an anonymous manner.

14. The method of Claim 8, wherein said payment instructions include instructions to complete transactions using a card number of the system and rebill said consumer for said complete transactions.

15. The method of Claim 13, wherein said instructions include instructions to complete transactions according to a predetermined payment arrangement with said chosen provider.

16. The method of Claim 9, wherein operating as an intermediary further includes the steps of tracking and awarding rewards based on transactions made by said consumer.

17. The method of Claim 9, wherein operating as an intermediary further includes tracking and ranking a satisfaction level of said consumer.

18. A system comprising:

a database for storing information associated with a consumer, the database associated with a plurality of domain names and the information including a list of preferred providers identified by the consumer or by prior purchases made thereby; and

a server for receiving a request initiated by said consumer and transmitted over a global communication network, the server associated with the plurality of domain names and the request including one of the plurality of domain names, with the domain name included in the request including an identification of a subject of the request, said server further including:

a module for selecting, responsive to the received request and based upon said request and said preferred providers stored in the database, at least one name of at least one provider; and

a controller for forwarding the selected at least one name of the at least one provider to said consumer, wherein said consumer is then capable of choosing a provider from the selected at least one provider to communicate and complete a business transaction therewith, the server being further operable to:

update the information associated with the consumer based on the completed transaction; and

access the updated information for use in connection with a subsequent request initiated by said consumer, wherein the subsequent request includes a different one of the plurality of domain names and the domain name included in the subsequent request identifying a subject of the subsequent request.

19. The system of Claim 18, wherein the global communications network is the Internet.

20. The system of Claim 18, wherein each of the plurality of domain names includes a common domain name element, and said common domain name element is represented as INEEDSUBJECT.XXX, where "SUBJECT" is a subject matter object and "XXX" is a top-level extension for the domain name.

21. The system of Claim 18, wherein said module is operable to select the at least one name of the at least one provider using one or a combination of subject matter information,

demographic information, and geographic information associated with said consumer and stored in said database.

22. The system of Claim 18, wherein said controller is operable to enable said consumer to identify the goods or services offered by said chosen provider, evaluate the goods or services offered by said provider by one or more criteria, and enable said consumer to purchase the goods or services of the chosen provider.

23. The system of Claim 22, wherein the one or more criteria includes comparative pricing and availability information regarding goods and services offered by said chosen provider.

24. The system of Claim 21, wherein the subject matter information is maintained by the system in a database accessible by all domains of the system.

25. A method for providing a consumer with a customized presentation containing the names of various providers of goods and services that are selected, said method comprising:

storing, within an intermediary system, consumer-provided information associated with said consumer;

receiving a request initiated by said consumer and transmitted over a global communication network to said intermediary system, said request being a domain name associated with the intermediary system, with the domain name identifying a subject of the request;

selecting, responsive to the received request and based upon said information associated with said consumer and stored in said intermediary system, at least one name of at least one provider;

forwarding the selected at least one name of the at least one provider within a customized presentation to said consumer, wherein said consumer is then capable of choosing a provider from the selected at least one provider to communicate and, optionally, transact business therewith;

operating, within said intermediary system, as an intermediary between said consumer and said chosen provider; and

updating the information associated with the consumer based upon a provider chosen thereby with which to transact business, wherein the information is updated for future use in selecting, responsive to a subsequent received request and based upon the updated information, at least one name of at least one provider.

26. The method of Claim 25, wherein operating as an intermediary further includes:

enabling said consumer to identify the goods or services offered by said chosen provider in accordance with privacy instructions submitted by said consumer and stored within said intermediary system;

enabling said consumer to select for purchase said goods or services of said chosen provider using one or more criteria for same; and

enabling said consumer to purchase said goods or services of the chosen provider in accordance with payment instructions submitted by said consumer and stored within said intermediary system.

27. The method of Claim 26, wherein the one or more criteria includes comparative pricing and availability information regarding said goods and services of said chosen provider.

28. The method of Claim 25, wherein the domain name is associated with a plurality of domain names, each of which includes a common domain name element, and said common domain name element is represented as INEEDSUBJECT.XXX, where "SUBJECT" is a subject matter object and where "XXX" is a top-level extension of the domain name.

29. The method of Claim 26, wherein said privacy instructions allow the consumer to transact business with the chosen provider in an anonymous manner.

30. The method of Claim 29, wherein the anonymous manner allows the consumer to transact business with the chosen provider using a payment method of the system and to be rebilled by the system for same.

31. The method of Claim 25, further comprising tracking and awarding rewards based on transactions made by said consumer.

32. The method of Claim 25, wherein the global communication network is the Internet.

33. The method of Claim 25, wherein said customized presentation is selected from the group consisting of: web page, Wireless Application Protocol and other data communication formats.

34. The method of claim 1, wherein said request includes a common name identifying goods or services without identifying a particular provider thereof, and identifying at least one name further includes using the common name and a name linking policy to select the at least one name of the at least one provider while utilizing one or a combination of demographic information and geographic information of the consumer.

35. The method of Claim 1, further comprising storing, within said system, information associated with said consumer including at least one of a personal preference, a payment instruction, and a privacy instruction.

36. The system of Claim 18, wherein said module is operable to select the at least one name of the at least one provider using one or a combination of demographic information and geographic information.

37. A method comprising:
maintaining a database of personal information relating to a consumer, the personal information including a list of at least one preferred provider of goods or services;

receiving a search request initiated by the consumer over a global communications network, the request comprising a domain name identifying a type of goods or services;
identifying, in response to the received search request, one or more providers of the type of goods or services requested based upon the at least one preferred provider;
presenting the one or more providers to the consumer;
enabling the consumer to complete a transaction with a provider from the one or more providers chosen by the consumer; and
updating the list of at least one preferred provider based upon the one or more providers chosen by the consumer to complete the transaction, wherein the list of at least one preferred provider is updated to identify the chosen provider as a preferred provider for future use in selecting, responsive to a subsequent received request.

38. The method of claim 37, wherein the personal information in the database relating to the consumer comprises payment instructions provided by the consumer.

39. The method of claim 37, wherein the personal information in the database relating to the consumer comprises consumer-provided credit card information of a credit card account of the consumer.

40. The method of claim 37, wherein the personal information in the database relating to the consumer comprises a consumer-provided instruction that transactions are to be completed without using payment information relating to the consumer, and that the consumer is to be billed for the transactions separately.

41. The method of claim 37, wherein the personal information in the database relating to the consumer comprises a consumer-provided instruction that the identity of the consumer is not to be communicated with the chosen provider in completing the transaction.

42. The method of claim 37, wherein identifying one or more providers comprises identifying the one or more providers based upon the personal information in the database relating to the consumer.

43. The method of claim 42, wherein the personal information relating to the consumer includes a name of one or more providers with which the consumer prefers to transact business.

44. The method of claim 37, wherein the personal information relating to the consumer includes one of demographic information and geographic information associated with the consumer.

45. An apparatus for facilitating a transaction between a consumer and a provider of goods or services over communications network, the apparatus being adapted to:

maintain a database of personal information relating to a consumer;

receive a search request initiated by the consumer over a global communications network, the request identifying a type of goods or services, the search request having a single set of characters forming a plurality of fields, a first field having a common name as between different search requests and a second field identifying the type of goods or services to be searched without specifying a specific provider of goods or services;

identify, responsive only to the search request without additional search information being directly provided by the consumer, one or more providers of the type of goods or services requested, the one or more providers being identified based upon the personal information relating to the consumer in the database;

present the one or more providers to the consumer; and

enable the consumer to complete a transaction with a provider from the one or more providers chosen by the consumer using the personal information in the database.

46. The apparatus of claim 45, wherein the personal information in the database relating to the consumer comprises payment instructions provided by the consumer.

47. The apparatus of claim 45, wherein the personal information in the database relating to the consumer comprises consumer-provided credit card information of a credit card account of the consumer.

48. The apparatus of claim 45, wherein the personal information in the database relating to the consumer comprises a consumer-provided instruction that transactions are to be completed without using payment information relating to the consumer, and that the consumer is to be billed for the transactions separately.

49. The apparatus of claim 45, wherein the personal information in the database relating to the consumer comprises a consumer-provided instruction that the identity of the consumer is not to be communicated with the chosen provider in completing the transaction.

50. The apparatus of claim 45, wherein the one or more providers are identified based upon the personal information in the database relating to the consumer.

51. The apparatus of claim 50, wherein the personal information relating to the consumer includes a consumer-provided name of one or more providers with which the consumer prefers to transact business.

52. The apparatus of claim 50, wherein the personal information relating to the consumer includes one of demographic information and geographic information of the consumer.

53. A method comprising:
maintaining a database of personal information relating to a consumer;
receiving a request initiated by the consumer and transmitted over a global communication network to a system, said request having a single set of characters forming a plurality of fields, a first field having a common name as between different requests and a second field identifying a type of goods or services without identifying a specific provider thereof;

selecting, responsive only to the received request initiated by the consumer without additional search information being directly provided by the consumer and based upon the personal information relating thereto in the database, at least one name of at least one provider; and

forwarding the selected at least one name of the at least one provider from said system to said consumer, wherein said consumer is subsequently capable of choosing a provider from the selected at least one provider to communicate therewith.

54. The method of claim 53, wherein the said common domain name element is in the form INEEDSUBJECT.XXX, where "SUBJECT" is a consumer-selected subject matter object and "XXX" is a consumer-selected, top-level extension of the domain name.

55. The method of claim 53, wherein selecting at least one name further includes the step of using a name linking policy to select the at least one name of the at least one provider while utilizing one or a combination of subject matter information, demographic information and geographic information maintained in the database of personal information.

56. The method of Claim 53, wherein said personal information includes one or more of personal preferences of the consumer towards providers of goods/services, payment instructions and privacy instructions.

57. The method of Claim 56, wherein said privacy instructions include instructions to make information, alternatively, freely available, available only when authorized by said consumer, or never available to the chosen provider or third parties.

58. The method of Claim 56, wherein said payment instructions include instructions to complete transactions for said consumer in an anonymous manner.

59. The method of Claim 56, wherein said payment instructions include instructions to complete transactions using a card number of the system and to rebill said consumer for said complete transactions.

60. The method of Claim 56, wherein said payment instructions include instructions to complete transactions according to a predetermined payment arrangement with said chosen provider.

61. A system comprising:

a database for storing information associated with a consumer;

a server for receiving a request initiated by said consumer and transmitted over a global communication network, the request comprising a single set of characters representative of typed text, the typed text including a first field having a common name as between different requests and a second field for identifying at least one type of goods or services without identifying a specific provider thereof, said server further including:

a module for selecting, responsive to the received request without additional information directly provided by the consumer and based upon personal information relating to the consumer in the database, at least one name of at least one provider; and

a controller for forwarding the selected at least one name of the at least one provider to said consumer, wherein said consumer is thereafter enabled to choose a provider from the selected at least one provider to communicate and selectively complete a transaction therewith.

62. The method of claim 61, wherein the said common domain name element is in the form INEEDSUBJECT.XXX, where "SUBJECT" is a consumer-selected subject matter object and "XXX" is a consumer-selected, top-level extension of the domain name.

63. The system of claim 61, wherein said module includes a name linking policy to select the at least one name of the at least one provider while utilizing one or a combination of subject matter information, demographic information and geographic information maintained in the database of personal information.

64. The system of claim 61, wherein said personal information includes one or more of personal preferences of the consumer towards providers of goods/services, payment instructions and privacy instructions.

65. The system of claim 64, wherein said privacy instructions include instructions to make information, alternatively, freely available, available only when authorized by said consumer, or never available to the chosen provider or third parties.

66. The system of claim 64, wherein said payment instructions include instructions to complete transactions for said consumer in an anonymous manner.

67. The system of claim 64, wherein said payment instructions include instructions to complete transactions using a card number of the system and to rebill said consumer for said complete transactions.

68. The system of claim 64, wherein said payment instructions include instructions to complete transactions according to a predetermined payment arrangement with said chosen provider.

69. The method of claim 1, wherein receiving a request involves receiving the request from any one of the following: a desktop device capable of communicating information, and a hand-held device capable of communicating information.

70. The system of claim 18, wherein the server is capable of receiving the request from any of the following: a desktop device capable of communicating information, and a hand-held device capable of communicating information.

71. The method of claim 37, wherein receiving a search request involves receiving the request from any one of the following: a desktop device capable of communicating information, and a hand-held device capable of communicating information.

72. The apparatus of claim 45, wherein the apparatus is capable of receiving the request from any one of the following: a desktop device capable of communicating information, a hand-held device capable of communicating information, and a vehicle based device.

73. The method of claim 1, further comprising updating the personal information relating to the consumer in the database so that the list of preferred providers is updated to reflect the consumer choosing a provider from the identified at least one provider to communicate therewith.

74. The method of claim 73, wherein updating the personal information involves automatically updating the personal information relating to the consumer in the database so that the list of preferred providers is updated to reflect the consumer choosing a provider from the identified at least one provider to communicate therewith.

75. The system of claim 18, wherein the system automatically updates the information associated with the consumer and stored in the database so that the list of preferred providers is updated to reflect the consumer choosing a provider from the selected at least one provider with which to complete a transaction.

76. The apparatus of claim 45, wherein the personal information relating to the consumer maintained in the database includes a list of a plurality of consumer-provided names of one or more providers with which the consumer prefers to transact business, and the list is updated to reflect the consumer completing a transaction with the provider chosen by the consumer.

77. The apparatus of claim 76, wherein the list is automatically updated to reflect the consumer completing a transaction with the provider chosen by the consumer.

78. The method of claim 53, further comprising updating the database of personal information for subsequent selections of at least one provider, based upon the provider chosen by the consumer with which to communicate.

79. The system of claim 61, wherein the information associated with the consumer is automatically updated for subsequent selections by the module, based upon the provider chosen by the consumer with which to complete a transaction.

80. The method of claim 1 further comprising conducting a subsequent communication by the consumer, wherein the subsequent communication by the consumer comprises completing a transaction with the identified at least one provider using data stored in the database of personal information.

81. The method of claim 1 wherein the updated personal information is accessible by the system for use in identifying a provider based upon the subsequent request and the updated personal information.

82. The method of claim 1 further comprising identifying, responsive to the subsequent request, at least one provider wherein the updated personal information is accessible by the system for use in completing a transaction between the consumer and a selected one of the at least one provider.

83. The method of claim 82 wherein the updated personal information comprises payment information.

84. The method of claim 1 wherein the personal information further includes at least one personal purchasing preference and identifying at least one name of at least one provider is further based on a personal purchasing preference included in the personal information.